

Application No. 09/874,801  
Amendment dated April 20, 2004  
Reply to Office action of November 20, 2003  
Docket Number 06821/06258

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the above-identified application:

**Listing of Claims:**

1. (previously presented) A flooring system supported by a concrete slab of a building structure comprising: a wood subfloor supported by the concrete slab; a wood finished floor supported by the wood subfloor; a moisture and condensation barrier layer coated onto the wood subfloor, the moisture and condensation barrier layer comprising a non-vulcanized, cured liquid rubberized coating material having a thickness sufficient to prevent moisture and condensation from penetrating through the moisture and condensation barrier layer.
2. (previously presented) A flooring system as defined in claim 1 wherein the moisture and condensation barrier layer has about a 6-to-8-mil thickness of the non-vulcanized, cured liquid rubberized coating material.
3. (previously presented) A flooring system as defined in claim 1 further comprising: a radiant heating system supported by the concrete slab and disposed under the wood subfloor and the moisture and condensation barrier layer, the radiant heating system providing heat to the flooring system and the building structure; and wherein the moisture and condensation barrier layer prevents moisture and condensation from penetrating through the moisture and condensation barrier layer.
4. (previously presented) A flooring system as defined in claim 1 wherein the non-vulcanized, cured liquid rubberized coating material cures into a solid after being coated onto the wood subfloor.
5. (previously presented) A flooring system as defined in claim 1 wherein the wood subfloor comprises a plurality of wood boards having the non-vulcanized, cured liquid rubberized coating material coated onto the wood boards.

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6. (previously presented) A flooring system as defined in claim 5 wherein the non-vulcanized, cured liquid rubberized coating material is coated onto only one side of the wood boards; and the wood boards are placed in the wood subfloor with the coated side face down.

7. (previously presented) A flooring system as defined in claim 5 wherein the non-vulcanized, cured liquid rubberized coating material is coated onto only one side of the wood boards; and the wood boards are placed in the wood subfloor with the coated side face up.

8. - 13. (canceled)

14. (previously presented) A method of forming a flooring system supported by a concrete slab in a building structure comprising: coating a plurality of wood boards with a moisture and condensation barrier material having a non-vulcanized, cured liquid rubberized coating material; placing the coated wood boards onto the concrete slab to form a wood subfloor having a moisture and condensation barrier that prevents moisture and condensation from penetrating through the moisture and condensation barrier; and installing a wood finished floor over the wood subfloor.

15. (previously presented) A method as defined in claim 14 further comprising: coating the wood boards with the non-vulcanized, cured liquid rubberized coating material that cures into a non-tacky solid to form the moisture and condensation barrier material.

16. (original) A method as defined in claim 14 further comprising: before placing the coated wood boards onto the concrete slab, installing a radiant heating system onto the concrete slab, the radiant heating system being for heating the flooring system and the building structure; and placing the coated wood boards over the radiant heating system to prevent moisture and condensation from reaching the wood finished floor from the radiant heating system.

17. (previously presented) A method as defined in claim 14 further comprising: coating only one side of each wood board; and placing the wood boards onto the concrete slab with the one coated side face down to prevent moisture and condensation from penetrating through the moisture and condensation barrier to the wood subfloor and wood finished floor.

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18. (previously presented) A method as defined in claim 14 further comprising: coating only one side of each wood board; and placing the wood boards onto the concrete slab with the one coated side face up to prevent moisture and condensation from penetrating through the moisture and condensation barrier to the wood finished floor.

19. - 23. (canceled)

24. (previously presented) A building construction material comprising: a wood board; and a moisture and condensation barrier comprising a non-vulcanized, cured liquid rubberized coating material coated onto the wood board and covering only part of the surfaces of the wood board, the moisture and condensation barrier having a non-tacky surface and a thickness sufficient to prevent moisture and condensation from penetrating through said moisture and condensation barrier.

25. (canceled)

26. (previously presented) A building construction material as defined in claim 24 wherein the moisture and condensation barrier has about a 6-to-8-mil thickness of the non-vulcanized, cured liquid rubberized coating material.

27. (canceled)

28. (previously presented) A building construction material for use as a barrier to moisture penetration in a building structure, comprising:

a wood board; and

a moisture barrier having a non-tacky surface and comprising a non-vulcanized, cured liquid rubberized coating material covering only part of the surfaces of the wood board and forming a barrier to prevent moisture penetration into the wood board.

29. (previously presented) A building structure, at least a portion of which comprises a building construction material, wherein said building construction material comprises a wood board having a moisture barrier covering at least a portion of the surfaces of the wood board, and

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wherein said moisture barrier has a non-tacky surface and comprises a non-vulcanized, cured liquid rubberized coating material coated onto the wood board.

30. (canceled)

31. (currently amended) A building structure as defined in claim 29 wherein the portion of the building structure that comprises the building construction material is exposed to moisture conditions and wherein the moisture barrier ~~bars~~ prevents moisture penetration from the moisture exposed portion of the building structure to a dry portion of the building structure.

32. (previously presented) A building structure as defined in claim 31 having a floor which comprises a wood-finished floor and a subfloor, wherein the moisture exposed portion of the building structure is the subfloor, which is at least periodically subject to moisture conditions, and wherein the dry portion of the building structure is the wood-finished floor, which is intended to be kept dry from moisture conditions.

33. (previously presented) A building structure as defined in claim 28 31 wherein the building construction material is installed with the moisture barrier facing toward the moisture conditions.

34. - 36. (canceled)

37. (previously presented) A building construction material for use as a barrier to moisture penetration in a building structure, comprising:

a wood board; and

a moisture barrier having a non-tacky surface, comprising an elastomeric membrane comprising non-vulcanized rubber which is coated onto only part of the surfaces of the wood board and forms a barrier to prevent moisture penetration into the wood board.

38. (previously presented) A building construction material as defined in any one of claims 24, 28 or 37 wherein the wood board has a generally elongated cubicle shape with six sides, and the moisture barrier entirely covers the surfaces of only five sides of the wood board.

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39. (previously presented) A building construction material as defined in any one of claims 24, 28 or 37 wherein the moisture barrier entirely covers the surfaces of at least one side but not more than five sides of the wood board.

40. (canceled)

41. (previously presented) A building construction material as recited in any one of claims 24, 28 or 37 wherein the wood board has a generally elongated cubicle shape with six sides, and the moisture barrier entirely covers the surface of only one side of the wood board.

42. (previously presented) A building construction material as recited in any one of claims 24, 28 or 37 wherein the moisture and condensation barrier entirely covers the surfaces of only two sides of the wood board.

43. (previously presented) A building construction material as recited in any one of claims 24, 28 or 37 wherein the moisture and condensation barrier entirely covers the surfaces of only three sides of the wood board.

44. (previously presented) A building construction material as recited in any one of claims 24, 28 or 37 wherein the moisture and condensation barrier entirely covers the surfaces of only four sides of the wood board.

45. (previously presented ) A building structure as recited in claim 31 wherein the building construction material is installed with the moisture barrier facing away from the moisture conditions.